

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TOBY G. CHAVEZ,

Petitioner,

v.

CIV 13-0338 JB/KBM

GERMAN FRANCO, Warden, and
STATE OF NEW MEXICO,

Respondents.

ORDER QUASHING SHOW CAUSE
&
TAKING MATTER UNDER SUBMISSION

THIS MATTER is before the Court on Petitioner's response to order that he show cause concerning whether he is represented by counsel, where he explains and supports by declaration and affidavit that that his wife Christy is researching typing and mailing his filings. *See Doc. 27*. Neither mentions whether she is an attorney or whether she is consulting with one. However, as Respondents' motion noted, the state courts have stricken pleadings she attempted to file as "power of attorney" because she is not an attorney. *See Doc. 19* at 2.

Wherefore,

IT IS HEREBY ORDERED that, having shown sufficient cause, the Court's order to show cause is quashed, and this matter is taken under submission for disposition on the merits in due course given the constraints of the Court's current docket.


UNITED STATES CHIEF MAGISTRATE JUDGE